UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,661	10/30/2001	Thomas A. Wucherer	TRIRG-08851US0	4969

28554 7590 11/01/2005

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 MARKET STREET, SUITE 540
SAN FRANCISCO, CA 94105

EXAMINER	
ABEL JALIL, NEVEEN	
ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/021,661	WUCHERER ET AL.	
	Examiner	Art Unit	
	Neveen Abel-Jalil	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/15/02,2/24/05*. 1/5/05; 2/28/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3-August-2005 has been entered.

2. The amendment filed on 3-August-2005 has been received and entered. Claims 1-26 are now pending.

Claim Objections

3. Claims 17-18, and 26 are objected to because of the following informalities:

In claim 17, lines 1-2, the recitation of "receiving modifying" is not accurate and not quite possible method since it should either be --receiving and modifying-- or --receiving or modifying--. Appropriate correction is required.

In claim 18, line 6, the recitation of "function" is incorrect since throughout the remaining claims and the specification, the recitation states "functional attribute" and not "function attribute". Claim 26 carry the same deficiency.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4-17, 20-24, and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5, line 10, recite the limitaion "the element" which renders the claim to be indefinite for failing to particularity point out which "the element" previously disclosed is meant by line 10.

Claim 15, line 2, recite the limitaion "at least one data element" which renders the claim to be indefinite for failing to particularity point out which one of previously disclosed "at least one data element" (i.e. In claim 14, line 4 or claim 14, line 5).

Claim 16, line 5, recite the limitaion "the database link" which renders the claim to be indefinite for failing to particularity point out and distinctly claim the subject matter which applicant regards as the invention. It is vague and unclear what is meant by "the database link" or how the link was formed.

Claim 17 is dependent on claim 16 and therefore carries the same deficiency.

Claim 20, line 11, recite the limitaion "are non-graphical data" thereby being defined as merely data and nothing more while on line 16 the same data elements are defined as "first non-

graphical information" which is confusing and unclear to the examiner thereby renders the claim to be indefinite for failing to particularity point out and distinctly claim the subject matter which applicant regards as the invention. Moreover, it is vague and confusing whether that same data is later on defined as "component specification" and stored as such as recited on line 17.

Claims 21-23 are dependent on claim 20 and therefore carry the same deficiency.

Claim 24, line 11, recite the limitaion "the element" which renders the claim to be indefinite for failing to particularity point out which "the element" previously disclosed is meant by line 11.

Claim 26, line 3, recite the limitaion "second CAD element data" and "second computer system" without first disclosing a "first CAD element" or a "first computer system" which renders the claim to be indefinite for failing to particularity point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26, line 4, recite the limitaion "second CAD element data" and line 5, recite "second CAD element". It is vague and unclear to the Examiner what the difference if any exist between the two elements thereby rendering the claim to be indefinite for failing to particularity point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 4, line 14, recite the limitaion "that one of the data units". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the list of specifications" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the first non-graphical data unit" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claims 7-17 are dependent on claim 6 and therefore carry the same deficiency.

Claim 10 recites the limitation "the additional non-graphical information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the database" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 is dependent on claim 14 and therefore carries the same deficiency.

Claim 17 recites the limitation "the fields of the interface" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the database" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 26 recites the limitation "the one of the plurality of component specification" in line 10. There is insufficient antecedent basis for this limitation in the claim. Only a discourse of "a component specification" was made earlier in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Loveland (U.S. Patent No. 6,826,539 B2).

As to claims 1, and 20, Loveland discloses a method of managing facilities data, the method being executable by a host computer system comprising:

adding a first graphical element to an image displayed on a monitor of a first computer system (See column 6, lines 21-32, also see Figure 19, 222, Upload Image);

displaying a graphical user interface on the monitor of the first computer system, wherein the graphical user interface is configured for receiving non-graphical information (See column 15, lines 19-30, wherein "non-graphical information" reads on "user log-in");

entering a component specification comprising at least one non-graphical data element representing a physical or functional attribute and at least one data element representing a non-

physical and non-functional attribute into the graphical user interface (See column 4, lines 61-67, also see column 15, lines 56-65);

the first computer system transmitting said non-graphical data element and said data element representing a non-physical and non-functional attribute to a database for storage therein via internet communication (See column 2, lines 23-40).

As to claims 2, and 21, Loveland discloses wherein the first computer system comprises a CAD computer system and wherein the first graphical element comprises a first CAD graphical element (See column 15, lines 35-55).

As to claims 3, and 22, Loveland discloses wherein the graphical user interface comprises a plurality of fields, wherein the first non-graphical information comprises a plurality of non-graphical information components, and wherein entering first non-graphical information into the graphical user interface comprises entering the plurality of non-graphical information components into the plurality of fields of the graphical user interface (See column 9, lines 43-53, also see column 10, lines 6-17).

As to claims 4, and 23, Loveland discloses

the first computer system receiving, via internet communication, specification list data, wherein specification list data represents a list of specifications displayable on the monitor of the first computer system, wherein each specification of the list represents a data unit stored in the database in data communication with the first computer system, wherein each data unit contains

data representing non-graphical information (See column 17, lines 26-50, also see column 4, lines 61-67, also see column 15, lines 56-65);

the first computer system displaying the list of specifications (See column 13, lines 53-67);

adding a second graphical element to the image displayed on the monitor of the first computer system (See column 13, lines 53-67, also see column 15, lines 35-67, more than one graphical element can be stored and viewed by the user);

the first computer system transmitting second graphical element data to the database for storage therein via internet communication, wherein the second graphical element data represents the second graphical element (See column 18, lines 45-65, also see column 17, lines 30-62, teaches listing of more then one graphical element, and also teaches the database to be central or master wherein numerous users have access to it);

the first computer system transmitting link data to the database via internet communication, wherein the link data indicates that one of the data units stored in the database is to be linked within the database to the second graphical element data after the second graphical element data is stored in the database (See column 18, lines 45-65, also see column 17, lines 30-62, teaches listing of more then one graphical element).

As to claims 5, and 24, Loveland discloses a method of organizing and storing data comprising:

a first computer system receiving, via internet communication, specification list data, wherein specification list data represents at least one specification displayable on a monitor of

the first computer system, wherein said specification list data includes at least one non-graphical data element representing a non-physical and non-functional attribute, and at least one data element representing a non-physical and non-functional attribute (See column 17, lines 26-50, also see column 4, lines 61-67, also see column 15, lines 56-65), said specification list data stored in a database in internet communication (See column 6, lines 60-67)

the first computer system displaying the list of specifications (See column 17, lines 26-42);

the first computer system adding a graphical element to a computer input, the element displayed on the monitor of the first computer system (See column 18, lines 34-45);

the first computer system transmitting graphical element data to the database for storage therein via internet communication, wherein the graphical element data represents the graphical element (See column 18, lines 30-60);

the first computer system transmitting link data to the database via internet communication, wherein the link data indicates that said at least specification represented by said specification list data stored in the database is to be linked within the database to the graphical element data after the graphical element data is stored in the database (See column 18, lines 4565, also see column 17, lines 30-62).

As to claims 6, and 18, Loveland discloses a method operating on a processor comprising:

a database receiving and storing first CAD element data generated by a first computer system in data communication with the database, wherein the first CAD element data represents

a first CAD element displayable on a monitor (See column 16, lines 30-55, teaches accessing the web interface via a communication network);

a database receiving and storing, as a component specification, at least one data element representing a physical or function attribute, and at least one data element representing a non-physical and non-functional attribute (See column 4, lines 61-67, also see column 15, lines 56-65);

creating a link in the database between the stored first CAD element data and one of a plurality of component specifications stored in the database (See column 8, lines 1-27).

As to claim 7, Loveland discloses

the computer system transmitting the first graphical element data to a second computer system via internet communication (See column 6, lines 60-67)

the computer system transmitting the first non-graphical data unit to the second computer system via internet communication (See column 16, lines 41-67, wherein "second computer system" reads on project has been published and made available for access by variety of users across the network).

As to claim 8, Loveland discloses a computer system receiving second graphical element data via internet communication from a second computer system, wherein the second element data represents a second graphical element which is displayable on a monitor of the second computer system (See column 9, lines 43-53, also see column 10, lines 6-17, also see column 16,

lines 41-67, wherein "second computer system" reads on project has been published and made available for access by variety of users across the network);

the computer system storing the second graphical element data into the database (See column 4, lines 61-67, also see column 15, lines 56-65);

creating a link within the database between the second graphical element data and the first data unit after the second graphical element data is stored in the database (See column 8, lines 1-27, wherein "after.. is stored" reads on "completed projects").

As to claim 9, Loveland discloses the computer system sending, via internet communication, list data to the first computer system (See column 6, lines 60-67, also see column 8, lines 41-62), wherein the list data represents a list of non-graphical data units in the database, wherein each non-graphical data unit stores non-graphical information data, wherein the list of non-graphical data units includes the first non-graphical data unit (See column 9, lines 54-65, wherein "list" reads on "file" that is of many stored in a database).

As to claim 10, Loveland discloses the computer system receiving additional non-graphical information data from a second computer system via Internet communication (See column 6, lines 60-67, also see column 8, lines 41-62);

the computer system storing the additional non-graphical information data in the first non-graphical data unit (See column 9, lines 54-65).

As to claim 11, Loveland discloses comprising the computer system storing the first graphical element data in a first graphical data unit in the database, wherein the first graphical data unit stores additional graphical element data (See column 9, lines 54-65).

As to claim 12, Loveland discloses wherein the first non-graphical information data represents information displayable in fields of an interface, wherein the interface is displayable on a monitor of the first computer system (See column 9, lines 43-53, also see column 10, lines 6-17).

As to claim 13, Loveland discloses wherein the first non-graphical data unit is linked within the database to a second non-graphical data unit in the database (See column 9, lines 25-32).

As to claim 14, Loveland discloses one or more processor readable storage devices having processor readable code embodied on said processor readable storage devices, said processor readable code for programming a processor to perform a method comprising:

a computer system receiving at least one data element representing a physical or functional attribute and at least one data element representing a non-physical and non-functional attribute via a network interface from a first computer system (See column 9, lines 43-65);

the first computer system updating the database, wherein at least one data element representing a physical or a functional attribute is stored in the database (See column 10, lines

22-50).

As to claim 15, Loveland discloses linking said at least one data element within the database to a first graphical element data stored in the database (See column 9, lines 25-32).

As to claim 16, Loveland discloses comprising the computer system transmitting data representing a first component specification to a second computer system via internet communication, wherein the data representing the first component specification comprises data representing non-graphical information, wherein the data representing the first component specification is transmitted after the database link is created (See column 9, lines 1-30).

As to claim 17, Loveland discloses comprising the computer system receiving modifying the non-graphical information displayed in the fields of the interface (See column 9, lines 43-53, also see column 10, lines 6-17).

As to claim 19, Loveland discloses wherein the first computer system is coupled to the database via the Internet (See column 6, lines 60-67).

As to claim 25, Loveland discloses a memory for storing instructions executable by a computer system to enable a method, the method comprising:

a computer system receiving a first graphical element data via internet communication from a first computer system, wherein the first element data represents a first graphical element which is displayable on a monitor of the first computer system;

the computer system storing the first graphical element data into a database in data communication with the computer system (See column 7, lines 35-44);

the computer system receiving and storing within the database a first non-graphical data element representing a physical or functional attribute via internet communication from the first computer system (See column 4, lines 61-67, also see column 15, lines 56-65);

creating a link within the database between the first graphical element data and a first non-graphical data unit in the database after the first graphical element data is stored in the database, wherein the first non-graphical data unit stores first non-graphical information data (See column 8, lines 1-27, wherein "after.. is stored" reads on "completed projects").

As to claim 26, Loveland discloses a memory for storing instructions executable by a computer system to enable a method, the method comprising:

the database receiving and storing second CAD element data generated by a second computer system in data communication with the database, wherein the second CAD element data represents a second CAD element displayable on the monitor (See column 16, lines 30-55, wherein "second computer system" reads on "all users and bidders accessing the web interface via a communication network);

a database receiving and storing, as a component specification, at least one data element representing a physical or function attribute, and at least one data element representing a non-

physical and non-functional attribute (See column 4, lines 61-67, also see column 15, lines 56-65);

creating a link in the database between the stored second CAD element data and the one of the plurality of component specifications stored in the database (See column 8, lines 1-27).

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baumann et al. (U.S. Pub. No. 2004/0243483 A1) teaches mechanical engineering web portal and CAD designs.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5: 30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
October 28, 2005